

BRIAN M. McINTYRE  
COCHISE COUNTY ATTORNEY

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COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

OFFICE OF THE COCHISE COUNTY )	<b>Case No. 2 CA-CV 2018-0093</b>
ATTORNEY, by and through Cochise )	
County Attorney BRIAN M. )	<b>APPELLANT’S RESPONSE TO</b>
McINTYRE a political subdivision of )	<b>MOTION TO APPEAR AS AMICI</b>
the State of Arizona, )	<b>CURIAE</b>
)	
Appellant, )	
)	
vs. )	<b>[Appeal from Order issued by</b>
)	<b>visiting Judge Fink in Cochise</b>
DAVID MORGAN, an unmarried )	<b>County Superior Court,</b>
individual, )	<b>CV201700670]</b>
)	
Appellee. )	
)	

The Office of the Cochise County Attorney (“County Attorney”), by and through County Attorney Brian McIntyre and his Deputy Sara V. Ransom, pursuant to Rules 6 and 16, Arizona Rules of Civil Appellate Procedure, hereby responds in

1 opposition to the Motion to Appear as Amici Curiae (“Motion”) filed on February  
2 12, 2019.

3 While the County Attorney respects the tenets of public access to public  
4 proceedings that are espoused by Appellee Mr. Morgan and the movants, it has not  
5 consented to a request to file an amicus brief, and observes that the Motion fails to  
6 comply with the requirements of Rule 16(b)(1)(C), A.R.C.A.P. The Motion  
7 appears to be based upon the movants’ ability to provide information, perspective,  
8 or argument to the appellate court “beyond the help that the parties’ lawyers  
9 provide.” Rule 16(b)(1)(C)(iii). The Motion, however, does not indicate that the  
10 movants intent to provide any new information or perspective, but instead re-asserts  
11 the generalized “prior restraint” claims already urged by Appellee Mr. Morgan.  
12 *Compare, e.g.,* Motion at p. 4 (“Specifically, prior restraints or other restrictions on  
13 the publication of lawfully obtained grand jury information have a direct,  
14 substantial impact on constitutional rights.”) *with* Appellee’s Response Brief at p.  
15 12 (“the trial court concluded that any allegations that Morgan broke *any* laws in  
16 publishing the news story and making the grand jury transcript accessible to the  
17 public were insufficient to justify the prior restraint contemplated by the relief  
18 sought.”) (emphasis in original).



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Certificate of Compliance

Undersigned counsel Sara V. Ransom, acting for the State of Arizona, by and through the Cochise County Attorney’s Office, hereby certifies, pursuant to Rule 6, Arizona Rules of Civil Appellate Procedure, that the Response to Motion to File Amici Curiae to which this Certificate is attached uses type of at least 14 points, is double-spaced (excepting headings and footnotes), and contains 280 words, exclusive of the caption, table of contents, the date and signature block, certificate of service, and this certificate of compliance.

Dated this 15th day of February, 2019.

/s/ Sara V. Ransom

Sara V. Ransom, Cochise County Civil Deputy Attorney